

# House File 2176

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1 3 AN ACT  
1 4 RELATING TO ABANDONMENT OF A CHILD AS GROUNDS FOR TERMINATION  
1 5 OF PARENTAL RIGHTS.  
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 8  
1 9 Section 1. Section 600A.8, subsection 3, Code 2003, is  
1 10 amended by striking the subsection.  
1 11 Sec. 2. Section 600A.8, subsection 4, Code 2003, is  
1 12 amended to read as follows:  
1 13 ~~4. 3. If the termination of parental rights relates to a~~  
1 14 ~~putative father and the putative father~~ The parent has  
1 15 abandoned the child. For the purposes of this subsection, a  
1 16 ~~putative father~~ parent is deemed to have abandoned a child as  
1 17 follows:  
1 18 a. (1) If the child is less than six months of age when  
1 19 the termination hearing is held, a ~~putative father~~ parent is  
1 20 deemed to have abandoned the child unless the ~~putative father~~  
1 21 parent does all of the following:  
1 22 (a) Demonstrates a willingness to assume custody of the  
1 23 child rather than merely objecting to the termination of  
1 24 parental rights.  
1 25 (b) Takes prompt action to establish a parental  
1 26 relationship with the child.  
1 27 (c) Demonstrates, through actions, a commitment to the  
1 28 child.  
1 29 (2) In determining whether the requirements of this  
1 30 paragraph are met, the court may consider all of the  
1 31 following:  
1 32 (a) The fitness and ability of the ~~putative father~~ parent  
1 33 in personally assuming custody of the child, including a  
1 34 personal and financial commitment which is timely  
1 35 demonstrated.  
2 1 (b) Whether efforts made by the ~~putative father~~ parent in  
2 2 personally assuming custody of the child are substantial  
2 3 enough to evince a settled purpose to personally assume all  
2 4 parental duties.  
2 5 (c) ~~Whether~~ With regard to a putative father, whether the  
2 6 putative father publicly acknowledged paternity or held  
2 7 himself out to be the father of the child during the six  
2 8 continuing months immediately prior to the termination  
2 9 proceeding.  
2 10 (d) ~~Whether~~ With regard to a putative father, whether the  
2 11 putative father paid a fair and reasonable sum, in accordance  
2 12 with the putative father's means, for medical, hospital, and  
2 13 nursing expenses incurred in connection with the mother's  
2 14 pregnancy or with the birth of the child, or whether the  
2 15 putative father demonstrated emotional support as evidenced by  
2 16 the putative father's conduct toward the mother.  
2 17 (e) Any measures taken by the ~~putative father~~ parent to  
2 18 establish legal responsibility for the child.  
2 19 (f) Any other factors evincing a commitment to the child.  
2 20 b. If the child is six months of age or older when the  
2 21 termination hearing is held, a ~~putative father~~ parent is  
2 22 deemed to have abandoned the child unless the ~~putative father~~  
2 23 parent maintains substantial and continuous or repeated  
2 24 contact with the child as demonstrated by contribution toward  
2 25 support of the child of a reasonable amount, according to the  
2 26 ~~putative father's~~ parent's means, and as demonstrated by any  
2 27 of the following:  
2 28 (1) Visiting the child at least monthly when physically  
2 29 and financially able to do so and when not prevented from  
2 30 doing so by the person having lawful custody of the child.  
2 31 (2) Regular communication with the child or with the  
2 32 person having the care or custody of the child, when  
2 33 physically and financially unable to visit the child or when  
2 34 prevented from visiting the child by the person having lawful  
2 35 custody of the child.  
3 1 (3) Openly living with the child for a period of six  
3 2 months within the one-year period immediately preceding the  
3 3 termination of parental rights hearing and during that period  
3 4 openly holding himself or herself out to be the father parent  
3 5 of the child.

3 6 c. The subjective intent of the putative father parent,  
3 7 whether expressed or otherwise, unsupported by evidence of  
3 8 acts specified in paragraph "a" or "b" manifesting such  
3 9 intent, does not preclude a determination that the putative  
~~3 10 father parent~~ has abandoned the child. In making a  
3 11 determination, the court shall not require a showing of  
3 12 diligent efforts by any person to encourage the putative  
~~3 13 father parent~~ to perform the acts specified in paragraph "a"  
3 14 or "b". In making a determination regarding a putative  
~~3 15 father~~, the court may consider the conduct of the putative  
3 16 father toward the child's mother during the pregnancy.  
3 17 Demonstration of a commitment to the child is not met by the  
3 18 putative father marrying the mother of the child after  
3 19 adoption of the child.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

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I hereby certify that this bill originated in the House and  
is known as House File 2176, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

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Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor